IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

Tr.P(C).No. 125 of 2007

{A.S.NO.66/2005 OF THE PRINCIPAL DISTRICT COURT, KOZHIKODE}

.....

PETITIONER/APPELLANT NO.2/DEFENDANT NO.7:

THETTATH RAJAN, S/O.CHEYI,
LABOUROR, KOTTAPPALLI AMSOM,
PAYINGOTTAI DESOM P.O., THAREPEYIL VIA PONNERI,
VATAKARA TALUK.

BY ADV. SRI.MOHANAN V.T.K.

RESPONDENT: RESPONDENT/1ST RESPONDENT/PLAINTIFF

ALACHERI ABDULLA HAJI,
S/O.MOIDEEN HAJI, ALACHERI HOUSE,
TRADER, THIRUVALLUR AMSOM DESOM, P.O.PONNERI,
VATAKARA.

BY

THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J.

Tr.P.C. No.125 of 2007

Dated this the 8th day of June, 2007.

JUDGMENT

This transfer petition is filed to withdraw A.S.No.66/05 on the file of the Principal District Court, Kozhikode to this court and to hear and dispose of the same along with R.F.A.No.95/2005, which is pending before this court.

2. Two suits were jointly tried and disposed of by a common judgment and the points involved are common. Since one of the appeals is pending before this court, which alone has jurisdiction to try that appeal, it is only just and equitable that A.S.No.66/05 pending before the Principal District Court, Kozhikode is withdrawn to the file of this court.

This transfer petition is disposed of with a direction that A.S.No.66/05 pending before the Principal District Court, Kozhikode be withdrawn to this court to be heard along with R.F.A.No.95/2005. Registry is directed to number it and post for hearing along with R.F.A.No.95/2005. The Principal District Judge, Kozhikode is directed to give notice of withdrawal of the appeal to this court to both the parties.

Sd/-
(M.N.KRISHNAN)
JUDGE

sk/

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P.S. To Judge